

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 09-1207 JVS (ANx) Date November 2, 2009

Title Hine v. Downey Savings and Loan Association

Present: The James V. Selna
Honorable

Karla J. Tunis
Deputy Clerk

Not Present
Court Reporter

Attorneys Present for Plaintiffs:
Not Present

Attorneys Present for Defendants:
Not Present

Proceedings: (In Chambers) Order to Show Cause re Jurisdiction

Defendant U.S. Bank National Association, as successor in interest to the Federal Deposit Insurance Corporation ("U.S. Bank"), removed the present action from the Superior Court of the State of California, County of Orange, invoking federal question jurisdiction, 28 U.S.C. § 1331. (Notice of Removal, ¶ 1.)

Plaintiffs Richard Hine *et al.* (collectively "Hine") have pled only California common law and statutory claims. Hine asserts no federal claim; he makes no reference to the Truth in Lending Act, 15 U.S.C. § 1601 *et seq.*, or any other federal statute.

While there may be some overlap between the claims which Hine has pled and a possible TILA claim which he has not pled, Hine has not pled such a claim. Generally, a plaintiff is entitled to be the master of his complaint, and if he so chooses, he may seek relief only under state statutory or common law. Caterpillar Inc. v. Williams, 482 U.S. 386, 392 (1987).

U.S. Bank is ordered to show cause in writing within ten days why this case should not be remanded to state court for want of jurisdiction.

Initials of Preparer

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